

## Message Text

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ORIGIN COA-04

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DRAFTED BY S/FW-COA - WILLIAM SULLIVAN  
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R 261710Z JUL 74  
FM SECSTATE WASHDC  
TO AMEMBASSY CARACAS  
AMEMBASSY COPENHAGEN

UNCLAS STATE 156671

CARACAS FOR LOS DEL AND COPENHAGEN FOR FISHATT

FOLL REPEAT SECSTATE 156671 SENT ACTION MADRID JULY 19:

QUOTE UNCLAS STATE 156671

E.O. 11652: N/A  
TAGS: EFIS, SP, US, XN  
SUBJECT: ICNAF: SPANISH FISHERY OFF US COAST  
REF: SEPTEL TODAY

TEXT OF NOTE TO SPANISH EMBASSY:

QTE THE SECRETARY OF STATE PRESENTS HIS COMPLIMENTS TO  
THE CHARGE' D'AFFAIRES AD INTERIM OF SPAIN AND REFERS  
TO HIS CIRCULAR NOTE OF JANUARY 18, 1974, AND TO THE  
ACTING SECRETARY OF STATE'S CIRCULAR NOTE OF MAY 2, 1974,  
RELATING TO LOBSTER FISHING ON THE CONTINENTAL SHELF  
OF THE UNITED STATES AND WISHES TO INFORM HIM THAT THE  
SPANISH FISHING VESSEL PERCA HAS BEEN DISCOVERED IN APPAR-  
ENT VIOLATION OF THE UNITED STATES LAW GOVERNING THE  
TAKING OF AMERICAN LOBSTER FROM THE CONTINENTAL SHELF.

UNITED STATES ENFORCEMENT OFFICERS MADE A COURTESY VISIT  
ABOARD THE PERCA IN WATERS OVER THE CONTINENTAL SHELF  
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OF THE UNITED STATES IN POSITION 37 DEGREES 12 MINUTES

NORTH LATITUDE, 74 DEGREES 32 MINUTES WEST LONGITUDE ON JULY 16. THIS POSITION IS ABOUT 60 MILES EAST OF THE ENTRANCE TO CHESAPEAKE BAY. IN THE COURSE OF THE VISIT, THE OFFICERS FOUND 400 TO 500 POUNDS OF COOKED AMERICAN LOBSTER TAILS AND CLAWS IN THE SHIP'S FREEZING COMPARTMENT.

ACCORDING TO THE SHIP'S LOG, PERCA HAS BEEN FISHING FOR

SQUID WITH BOTTOM-TENDING TRAWL GEAR IN WATERS OVER THE CONTINENTAL SHELF OF THE UNITED STATES SINCE HER ARRIVAL FROM SPAIN ON JUNE 15. IT IS APPARENT THAT PERCA HAS NOT BEEN COMPLYING WITH UNITED STATES LAW, BROUGHT TO THE EMBASSY'S ATTENTION IN THE TWO CIRCULAR NOTES, IN THAT SUBSTANTIAL QUANTITIES OF AMERICAN LOBSTER HAVE BEEN DELIBERATELY RETAINED ABOARD AND PROCESSED.

IT WILL BE RECALLED FROM THE EARLIER NOTES THAT INNERQTE FISHERMEN ARE EXPECTED TO RETURN TO THE SEA IMMEDIATELY ANY AMERICAN LOBSTERS WHICH MAY BE TAKEN INCIDENTALLY IN THE COURSE OF DIRECTED FISHERIES FOR OTHER SPECIES FOUND IN THE REGION. FISHERMEN WHO ENCOUNTERED CONCENTRATIONS OF AMERICAN LOBSTERS IN THE COURSE OF THEIR FISHING OPERATIONS SHOULD TAKE IMMEDIATE STEPS TO AVOID SUCH CONCENTRATIONS IN FUTURE TOWS. ENDINNERQTE. FISHERY RESOURCES OF THE CONTINENTAL SHELF, INCLUDING LOBSTER, MUST BE RETURNED TO THE SEA WITH A MINIMUM OF INJURY.

SPANISH FISHING VESSELS MUST CONDUCT THEIR FISHING OPERATIONS IN STRICT ACCORDANCE WITH THE ABOVE GUIDELINES AS SET FORTH IN THE EARLIER NOTES. THE OPERATION OF SPANISH FISHING VESSELS IN A MANNER INCONSISTENT WITH THESE GUIDELINES WILL RESULT IN ARREST AND PROSECUTION UNDER UNITED STATES LAW. THE LAW PROVIDES THAT ANY PERSON CONVICTED OF A VIOLATION SHALL BE FINED NOT MORE THAN 100,000 DOLLARS, OR IMPRISONED NOT MORE THAN ONE YEAR, OR BOTH. EVERY VESSEL EMPLOYED IN ANY MANNER IN CONNECTION WITH A VIOLATION OF THE LAW, INCLUDING ITS TACKLE, APPAREL, FURNITURE, APPURTENANCES, CARGO AND STORES SHALL BE SUBJECT TO FORFEITURE AND ALL FISH TAKEN OR RETAINED IN VIOLATION OF THE LAW, OR THE MONETARY VALUE

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THEREOF, SHALL BE FORFEITED.

IN VIEW OF THE ACTIONS OF THE PERCA, UNITED STATES ENFORCEMENT OFFICERS WILL MONITOR CLOSELY THE OPERATIONS OF ALL SPANISH FISHING VESSELS USING BOTTOM-TENDING TRAWL GEAR OPERATING IN WATERS OVER THE CONTINENTAL SHELF OF THE UNITED STATES TO ASCERTAIN THEIR ADHERENCE TO THE LAW AND TO INSURE THAT VIOLATORS ARE PROMPTLY

APPREHENDED.

THE SECRETARY OF STATE WOULD BE GRATEFUL IF THE CHARGE' D'AFFAIRES AD INTERIM OF SPAIN WOULD FORWARD THIS INFORMATION TO HIS GOVERNMENT AND REQUESTS THE ASSURANCE OF THE GOVERNMENT OF SPAIN THAT ITS FISHERMEN WILL BE INSTRUCTED TO COMPLY IN ALL RESPECTS WITH THE UNITED STATES LAW GOVERNING THE TAKING OF CONTINENTAL SHELF FISHERY RESOURCES. ENDQTE. INGERSOLL END QUOTE  
INGERSOLL

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